

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

CONDRA SMITH,

Plaintiff,

-v-

**UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,**

Defendants.

Case No.: 1:20-CV-474-WCL-SLC

**DEFENDANT PIONEER CREDIT RECOVERY INC.'S
MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**

Defendant Pioneer Credit Recovery, Inc. (“PCR”) hereby moves for an extension of time of at least seven (7) days to respond to Plaintiff’s Complaint and Demand for Jury Trial, to and including January 15, 2021 (or a mutually-agreed upon date as set by the Court), and in support states:

1. On November 12, 2020, Plaintiff filed her Complaint and Demand for Jury Trial in the Allen Superior Court.

2. On December 11, 2020, the Allen Superior Court granted PCR an extension of time to file its responsive pleading or otherwise respond to the Complaint until January 8, 2021, which time has not expired.

3. Plaintiff’s Complaint asserts substantially-identical allegations to those raised in a previous lawsuit brought by Plaintiff in the Northern District of Indiana, *Smith v. United States Department of Education, et al*, Cause No. 1:18-CV-348-HAB-SLC (the “Prior Lawsuit”).

4. The Prior Lawsuit was fully litigated before the Hon. Judge Holly A. Brady, with final judgment entered against Plaintiff and in favor of the Department, PCR, GRC, and USA Funds. Plaintiff appealed the judgment in the Prior Lawsuit to the Seventh Circuit Court of

Appeals, which dismissed the appeal. [*See Smith v. United States Department of Education, et al.*, No. 20-1069 (7th Cir. 2020).] Plaintiff then petitioned for review to the Supreme Court of the United States, which was denied.

5. As such, PCR and the other Defendants intend to move for dismissal of Plaintiff's Complaint. To avoid burdening the Court with multiple filings and divergent deadlines, the Defendants anticipate moving for dismissal jointly and/or contemporaneously.¹

6. PCR and the Defendants require additional time to finalize their motion(s) to dismiss.

7. Accordingly, PCR requests an extension of time of at least seven (7) days to file its responsive pleading or otherwise respond to Plaintiff's Complaint, to and including January 15, 2021, or another date as set by the Court via a briefing schedule.

8. This Motion is made in good faith, and the requested extension will not prejudice any party or unduly delay this litigation.

WHEREFORE, PCR respectfully requests an extension of time of at least seven (7) days to file its responsive pleading or otherwise respond to Plaintiff's Complaint, to and including January 15, 2021, or another date as set by the Court via a briefing schedule, and for all other relief the Court deems appropriate.

¹ Contemporaneous with the filing of this Motion, the Defendants (i.e., those which have been served to-date) filed a Joint Motion for Initial Pretrial Conference requesting a conference at the Court's earliest convenience to discuss the progression of this litigation.

Respectfully submitted,

/s/ Justin A. Allen

Bonnie L. Martin, IN Atty. No. 20248-18
Justin A. Allen, IN Atty. No. 31204-49
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Cir., Suite 4600
Indianapolis, IN 46202
Telephone: (317) 916-2533
Facsimile: (317) 916-9076
bonnie.martin@ogletree.com
justin.allen@ogletree.com

*Attorneys for Defendant
Pioneer Credit Recovery, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2021, a copy of the foregoing was filed with the Court using the Clerk of Court's CM/ECF system, which by its operation will send notice of this filing to all counsel of record. A copy of the foregoing was also served by United States Mail, postage prepaid to the following:

Condra L. Smith
3301 Lafayette St.
Fort Wayne, IN 46806

Pro-Se Plaintiff

/s/ Justin A. Allen

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